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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/868,740	06/19/2001	Paolo Cittadini	6502-1515	6536

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EXAMINER
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TRAN A, PHI DIEU N

ART UNIT	PAPER NUMBER
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3637

DATE MAILED: 11/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/868,740

Applicant(s)

CITTADINI ET AL.

Examiner

Phi D A

Art Unit

3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-16 and 18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6, 8, 9 and 11-15 is/are allowed.
- 6) ☒ Claim(s) 16 and 18 is/are rejected.
- 7) ☒ Claim(s) 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Response to Amendment***

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

***Claim Objections***

1. Claims 10, 16, 18 are objected to because of the following informalities:  
  
Claim 10 line 1 "the the" is indefinite.  
  
Claim 16 lines 3 and 5 "realizing ..." is confusing. It is unclear what kind of process "realizing" is. Is applicant providing, thinking, producing, ....the structure step?  
  
Claim 18 lines 6, 9, 18 "continuous, continuous" is misspelled.  
  
Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hall et al (4066285).

Hall et al shows a main section bar (11, figure 1) of elongation conformation and provided with a longitudinal seat (the slot between 18 and 19), a continuous support element (12) extending substantially over an entire longitudinal development of the main section bar

(11) and presenting a pre-set number of attachment seats (14, 16) positioned at a pre-set mutual distance, the main section bar and the support element axially fastened (part 22 locking the bars and support together).

Hall et al shows all the claimed structures. The claimed method steps for the manufacturing of the molding element and for the assembling the same to a motor vehicle body would have been the obvious method steps of manufacturing of the molding element and for the assembling the same to a motor vehicle body of Hall et al's structures.

4. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wexler (Deutsches 29502439.9) in view of Hlavach (4700977).

Wexler shows a molding element (figures 1, 3) comprising a main section bar (1) of elongated conformation, attachment means (3) operatively associated with the main section bar (1) and destined to engage corresponding securing area (15) of the body of a motor vehicle, the attachment means including a continuous support element (6, figure 3) extending substantially over an entire longitudinal development of the main section bar and engaged to the main section bar, the support element presenting a plurality of attachment seats (10) delimited at least in one side of the continuous support element destined to face the body by a peripheral lip, the attachment seats being located at a pre-set mutual distance for engaging a projection each, a longitudinal seat (the inside of 26, figure 4) on the main section bar for receiving the continuous support element, the peripheral lip delimiting for each attachment seats at least a large area for the insertion of a fastening projection and at least a small area for blocking the fastening projection in an axial direction of motion of the molding away from the body, the small area having the same shape and dimension.

Wexler does not show the longitudinal seat presenting a cross section a longitudinal opening to allow access to said attachment seats and undercuts acting in opposition on a corresponding bearing portion of the continuous support element.

Hlavach (figures 5-7) shows the longitudinal seat of the main section bar (10) presenting a cross section a longitudinal opening to allow access to attachment seats of the support (66) and undercuts acting in opposition on a corresponding bearing portion of the continuous support element.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Wexler to show the longitudinal seat presenting a cross section a longitudinal opening to allow access to said attachment seats and undercuts acting in opposition on a corresponding bearing portion of the continuous support element as taught by Hlavach because it would ensure the secure attachment of the support to the main section bar as taught by Hlavach.

***Allowable Subject Matter***

5. Claims 1-6, 8-9, 11-15 are allowed.
2. Claim 10 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

6. Applicant's arguments with respect to claims 16, 18 have been considered but are moot in view of the new ground(s) of rejection.


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*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 703-306-9136. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



Phi Dieu Tran A  
November 6, 2003